



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

INTERNATIONAL BROTHERHOOD OF POLICE
OFFICERS, LOCAL 394, MANCHESTER, N.H.

Petitioner

v.

CITY OF MANCHESTER, N. H., POLICE DE-
PARTMENT AND THOMAS KING, In his
capacity as Chief of Police

Respondents

CASE NO. P-0706:21

DECISION NO. 91-64

APPEARANCES

Representing IBPO, Local 394, Manchester, N. H.:

Kathleen McClure, Esq., Counsel

Representing the City of Manchester and Chief Thomas King:

David A. Hodgen, Chief Negotiator

Also appearing:

Glenn Leidemer, City of Manchester
Louis J. Craig, Police Chief
Gerald Lavigne, Manchester Police Patrolman
Edward Kelley, President of Local 394

BACKGROUND

In August, 1990, the IBPO Local 394, Manchester, N. H. (Local) filed unfair labor practice charges against the City of Manchester and the Chief of Police (City) for assigning IBPO members to jobs governed under the collective bargaining agreement between the City and the Teamsters (dispatchers); and, for assigning Teamster members (dispatchers) to IBPO positions, displacing IBPO members from their bargaining unit positions. As a remedy, they requested a Cease and Desist Order from both assignments.

The City denied the charges stating that the assignment of personnel is strictly within the managerial policy of the City and that the parties signed a collective bargaining agreement on October 19, 1989 which is in effect from July 1, 1988 to June 30, 1991 and contains in that agreement is a clause that the Police Commission and the Police Chief preserved, inter alia, the right to, "...determine the standards of services to be offered by the Police Department, lll direct its employees, ... maintain the efficiency of governmental operations; determine the methods, means and personnel by which the Police Department's operations are to be conducted, determine the content

of job classifications; exercise complete control and discretion over its organization and the technology of performing its work; ...". In addition, the parties have agreed that, "[a]ll of the rights, responsibilities and prerogatives that are inherent in the Commission or the Police Chief by virtue of statutory and charter provisions cannot be subject to any grievance of arbitration proceedings."

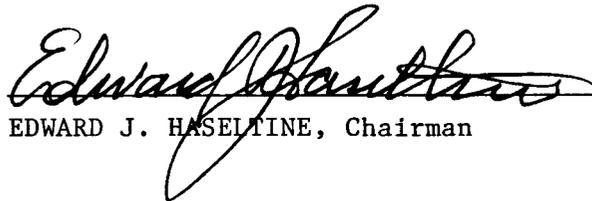
A hearing in this case was held in the Board's office in Concord on April 30, 1991 with all parties represented.

The City requested the charges be dismissed. Request was taken under advisement and testimony and evidence was presented by the parties.

DECISION AND ORDER

It was noted that although members of the Teamsters were involved in the assignments in this case, no companion charges were filed by the Teamsters' Local.

As the record indicated that the assignments was a past practice in the City for many years under the right of managements to assign its personnel, etc., the Board finds no violation of RSA 273-A:5 and hereby DISMISSES the unfair labor complaint filed by IBPO Local 394, Manchester, N. H.


EDWARD J. HASELTINE, Chairman

Signed this 3rd day of September, 1991

By unanimous vote. Chairman Edward J. Haseltine presiding, members Seymour Osman and Richard E. Molan, Esq., present and voting.